



Reports of Cases

Order of the Vice-President of the Court of 28 March 2023 – Eulex Kosovo v SC

(Case C-785/22 P-R)

(Interim relief – Article 278 TFEU – Appeal – Application for suspension of operation of a measure – Judgment of the General Court of the European Union given by default – Urgency – Pecuniary damage)

1. *Interim relief – Procedure – Jurisdiction of the Vice-President of the Court to rule on an application for interim measures – Scope – Stay of execution of a judgment of the General Court against which an appeal has been brought – Relationship with the stay of execution of a judgment by default given by the General Court – Different purposes*

(Art. 278 TFEU; Statute of the Court of Justice, Art. 39; Rules of Procedure of the Court of Justice, Art. 161(1); Rules of Procedure of the General Court, Art. 123(4); Decision of the Court of Justice 2012/671, Art. 1)

(see paragraphs 18-24)

2. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Serious and irreparable damage – Cumulative nature – Balancing of all the interests involved – Order of examination and method of verification – Discretion of the court hearing the application for interim relief*

(Arts 278 and 279 TFEU; Rules of Procedure of the Court of Justice, Art. 160(3))

(see paragraphs 30-32)

3. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Serious and irreparable damage – Burden of proof*

(Arts 278 and 279 TFEU; Rules of Procedure of the Court of Justice, Art. 160(3))

(see paragraph 34)

4. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Financial loss – Damage capable of being remedied subsequently by pecuniary compensation – Damage which cannot be regarded as irreparable – No urgency*

(Arts 278 and 279 TFEU; Rules of Procedure of the Court of Justice, Art. 160(3))
(see paragraphs 35-39)

Operative part

1. The application for interim measures is dismissed.
2. The costs are reserved.